
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Real Life Broadcasting, Inc.)	File No. EB-FIELDNER-12-00002778
Licensee of Station WIFI)	
Facility ID # 55310)	
Florence, New Jersey)	NOV No. V201232400046
)	
)	

NOTICE OF VIOLATION

Released: September 14, 2012

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Real Life Broadcasting, Inc. (Real Life), licensee of AM Station WIFI in Florence, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On June 13, 2012, agents of the Enforcement Bureau's Philadelphia Office inspected AM Station WIFI located at 2025 Columbus Road, Burlington, New Jersey and observed the following violations:

- a. 47 C.F.R. § 11.35(a): "...EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in §11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station logs as specified in §§73.1820 and 73.1840 of this chapter..." For the period between April 2, 2012 and June 12, 2012, Real Life failed to ensure that Station WIFI was receiving and transmitting the required weekly tests and

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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required monthly tests. Furthermore, at the time of the inspection, there were no entries in the station's log indicating reasons why Station WIFI did not receive the Required Monthly Tests during this period.

- b. 47 C.F.R. § 11.52(d): "EAS participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan...." At the time of inspection, Real Life was not monitoring a New Jersey Network Station as required in the New Jersey State EAS Plan.
- c. 47 C.F.R. § 73.62(a): "Each AM station operating a directional antenna must maintain the relative amplitudes of the antenna currents, as indicated by the antenna monitor, within 5% of the values specified on the instrument of authorization. Directional antenna relative phase must be maintained within 3 degrees of the values specified on the instrument of authorization." At the time of inspection, Station WIFI was operating out of tolerance with its authorized directional antenna parameters.
- d. 47 C.F.R. § 73.1560(a)(1): "[t]he antenna input power of an AM station as determined by the procedures specified in §73.51 must be maintained as near as is practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power." The authorization for Station WIFI specifies a daytime antenna input power of 5250 Watts and a nighttime antenna input power of 540 Watts. Agents made numerous field strength measurements that revealed Station WIFI operated with its daytime power between 8:30 p.m. and 10:30 p.m. on June 6, 2012 and June 7, 2012. The agents also determined that Station WIFI was operating after 10:30 p.m. on June 6, 2012 and June 7, 2012 with an antenna input power of 210 Watts or 39% of that authorized.³
- e. 47 C.F.R. § 73.1590(a)(6): "(a) The licensee of each AM, FM, TV and Class A TV station, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter as follows:... (6) Annually, for AM stations, with not more than 14 months between measurements." At the time of the inspection, Real Life could not produce any equipment performance measurements for Station WIFI.

³ The determination was based on a common point current meter reading of 2.0 Amps when the station's transmitter was temporarily switched to nighttime mode.

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- f. 47 C.F.R. §§ 73.1870(a)(1) & (a)(3): “The licensee of each AM, FM, TV or Class A TV station must designate a person to serve as the station’s chief operator... The designation of the chief operator must be in writing and posted with the station’s license.” The agents found no written designation of a chief operator for the station.
 - g. 47 C.F.R. § 73.1870(c)(3): “(c) The chief operator is responsible for completion of the following duties specified in this paragraph below. ... (3) Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.” At the time of inspection, the Chief Operator had not signed the EAS logs for over six months.
 - h. 47 C.F.R. §§ 73.3526(e)(8), (e)(12), (e)(14): “*Contents of the file.* The material[s] to be retained in the public inspection file [are]... (8) *The public and broadcasting.* At all times, a copy of the most recent version of the manual entitled “The Public and Broadcasting.”... (12) *Radio issues/programs lists.* For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated... (14) *Radio and television time brokerage agreements.* For commercial radio and television stations, a copy of every agreement or contract involving time brokerage of the licensee’s station or of another station by the licensee, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate. These records shall be retained as long as the contract or agreement is in force.” At the time of the inspection, the public file was missing *The Public and Broadcasting*, the radio issues/programs lists for the 3rd and 4th Quarters of 2011 and 1st Quarter of 2012, and the Time Brokerage Agreement between Real Life and Florence Broadcast Partners.
3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees.

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4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Real Life Broadcasting must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

5. In accordance with Section 1.16 of the Commission's Rules, we direct Real Life Broadcasting, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Real Life Broadcasting, Inc. with personal knowledge of the representations provided in Real Life Broadcasting, Inc.'s response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

7. This Notice shall be sent to Real Life Broadcasting, Inc. at its address of record.

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'. " 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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8. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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David C. Dombrowski
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).